

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-20509

NATHANIEL BOLEWARE,

Defendant.

**OPINION AND ORDER DECLINING TO MODIFY SENTENCE
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

The matter is before the court on a determination for a possible reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2). The court appointed the Federal Defender's Office "to determine eligibility, confer with the Probation Department and the U.S. Attorney's Office, and gather the pertinent information to assist the court in expeditiously resolving any pending or intended 18 U.S.C. § 3582(c) motions." (4/21/08 Order at 1.) The Federal Defender's Office has since filed a "Notice" asserting Defendant Powell's ineligibility for a modification. (See Dkt. # 26.) The court has reviewed the "Notice" and is satisfied that Defendant is ineligible for a modification. Accordingly,

IT IS ORDERED that the court DECLINES to modify Defendant's sentence pursuant to 18 U.S.C. § 3582(c) and the matter is deemed closed.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 31, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 31, 2009, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522